

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

C.M., on her own behalf and on behalf of her
minor child, B.M.; L.G., on her own behalf and
on behalf of her minor child, B.G.; M.R., on her
own behalf and on behalf of her minor child,
J.R.; O.A., on her own behalf and on behalf of
her minor child, L.A.; and V.C., on her own
behalf and on behalf of her minor child, G.A.,

Plaintiffs,

v.

United States of America,

Defendant.

No. CV-19-05217-PHX-SRB

ORDER

A.P.F. on his own behalf and on behalf of his
minor child, O.B.; J.V.S. on his own behalf and
on behalf of his minor child, H.Y.; J.D.G. on his
own behalf and on behalf of his minor child,
M.G.; H.P.M. on his own behalf and on behalf of
his minor child, A.D.; M.C.L. on his own behalf
and on behalf of his minor child, A.J.; and R.Z.G.
on his own behalf and on behalf of his minor
child, B.P.,

Plaintiffs,

v.

United States of America,

Defendant.

No. CV-20-00065-PHX-SRB

ORDER

1 The Court’s February 15, 2022 Order addressing, in part, Plaintiffs’ Motion to
2 Compel Discovery Withheld by the Government Based on Improper Privilege
3 Assertions identified two sets of documents that were reviewed *in camera* for which
4 the Court required additional information before it could determine if the attorney-
5 client or work product privileges should protect these documents from discovery by
6 Plaintiffs. The United States filed its Response to the Court’s Order Dated February
7 15, 2022 on February 25, 2022.

8 With respect to the USA Today editorial related documents, the United States
9 has advised that it has re-reviewed the documents and has produced a final version
10 with revised redactions in accordance with the Court’s Order. Plaintiffs have not filed
11 any further objection to the revised production of the USA Today documents.

12 The other set of documents were the four identical fully redacted copies of the
13 document titled “DHS Response to DOJ Analysis of Litigation Risk Associated with
14 Draft MOA between ORR and DHS.” The Court had four questions which were
15 answered in the United States’ Response. The United States also provided the final
16 version of the MOA between ORR and DHS which had previously been produced to
17 Plaintiffs and a copy of the parent email transmitting the DHS Response to DOJ.
18 After review of these documents and the United States’ Response, the Court finds
19 them properly redacted as attorney-client and work product privileged.

20 In the course of answering the Court’s questions, the United States located and
21 has now produced to Plaintiffs the DOJ Risk Analysis (with redactions) to which the
22 DHS was responding. Because Plaintiffs did not file anything in response to the

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1 United States' Response to this Court's Order of February 15, 2022, the Court
2 assumes that Plaintiffs are satisfied with the redacted DOJ Risk Analysis.
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5 Dated this 9th day of March, 2022.
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10 Susan R. Bolton
11 United States District Judge
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